

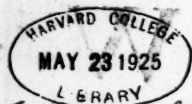
A N  
A N S W E R  
T O A  
P A P E R,  
ENTITLED,  
THE GRIEVANCES  
O F H I S  
Majesty's Subjects  
Residing within the  
P R I N C I P A L I T Y  
O F  
W A L E S,

In Respect of the Court of the Council in the Marches  
of W A L E S.

With the Particular Conveniencies of that C O U R T.

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L O N D O N,  
Printed in the Year MDCLXXXIX.



*J. H. Hall fund*

## INTRODUCTION.

**T**HE said Court was at first erected to suppress the violence of the Welsh; and for preservation of the Peace in the Marches; and in the nature of the late Court of Star-Chamber; but in process of time encroached on the Courts of Common-Law, and held Pleas in Civil Actions by English Bill, and took encouragement thereto, by the Clause in 34 and 35 Hen. 8. cap. 26. that gives that Court power to hear and determine, by their directions, such matters as then after should be assigned by the King, as then-to-fore used. And the same Act constitutes Courts of the Great Sessions in every County for determining of all Causes and Suits, where there is also a Court of Equity.

## Grievances.

I. **T**hat nevertheless, the Judges of the said Court of the Marches do take Cognizance, and take upon them to decree Damages in Actions of Trespass on the Case, Slander, Assault and Battery, &c. where the damages are uncertain, and ought by the Law of the Land to be assessed by a Jury.

## ANSWER.

**I**T will be agreed, that the said Court was erected (amongst other ends) for the Suppression of Violence, and the Preservation of the Peace in Wales; but it is absolutely deny'd, that the said Court was at first erected merely in the nature of a Star Chamber-Court; for this Court continues, notwithstanding the Star-Chamber-Jurisdiction hath been long since abrogated by Statute; nor hath the said Court encroached upon the Courts at Common-Law, or used any power more than what is warrantable by the Laws and Usages of that Country, confirmed by Parliament; and for the manifestation hereof, the Answer to the said pretended Grievances is this, viz.

## Answer.

I. **I**t is manifest by divers Presidents yet remaining amongst the Records of the said Court, that before the thirty fourth year of Hen. 8. the Judges of the said Court, by an ancient Usage there, did constantly take upon them to decree Damages in Actions of Trespass on the Case, Slander, Assault and Battery, where the offences were well proved by English Depositions: Then came the Statute of 34 and 35 H. 8. cap. 26. by which it is enacted, That there shall be and remain a President and Council in the said Principality of Wales and the Marches of the same, &c. in manner and form as hath been heretofore used and accustomed; which President and Council shall have power to hear and determine by their Wisdom and Discretion such Causes as be, or hereafter shall be assigned to them by the King's Majesty, as heretofore hath been accustomed and used, pursuant to this Statute, the several Kings and Queens of England have ever since to this day, by their Instructions ready to be produced, impowered the Judges of that Court to hold Plea in the said Actions of Trespass on the Case, Slander, Assault and Battery, and by their Wisdoms and Discretions to decree Damages therein, where the Offences are well proved by English Depositions, as then-to-fore had been used and accustomed; so that it is very plain, that in this particular the Court does no more than what by Law is justifiable, and with submission more convenient



## Grievances.

II. That the Defendants in matters of Assault and Battery, are in the said Court compelled to appear to an English Bill, and to answer the same upon Oath, though the same contain matters criminal.

III. That the said Court do hold Plea, hear, and make Decrees for small Debts, under forty Shillings; and in such Suits do allow more Costs than the Debts and Damages do amount unto: And that in Actions and Suits for Trespass, Assault and Battery, and on the Case, where the damages are not proved to be above 2d. there are usually given by the said Court 4 or 5 lib. costs; and where the Plaintiff's Bill is dismissed, it is generally without any Costs to the Defendant; by reason whereof many Vexatious and troublesome Suits are encouraged by the Clerks and Solicitors belonging to the said Court.

## Answer.

venient and beneficial to the poor Subjects of *Wales*, than if their Causes were tried by a Jury; for the Judges of that Court are always Men of Abilities and Learning, and therefore much more unlikely to be byassed or corrupted, than poor ignorant Country men, who in those parts scarce dare give a Verdict against a man of any Note or Quality. But however, if this be esteemed a real Grievance, this may be a cause to alter the Law, but not to take away the Court, which in this respect does nothing but what is now warrantable; and upon the same grounds this may be a reason also to alter the Proceedings in the High Court of Chancery, which does determine mens Rights by *English* Depositions and Testimonies without any Trial by Jury.

II. The Author of the said Paper is diffidentious in this particular, because the Court never does require the Defendant to answer upon Oath to an Action of Assault and Battery, but always accepts of his Plea by his Clerk or Attorney without any Oath, as appears by the standing Rules of the Court.

III. The Court of the Marches in this respect does no more than what is done by the Courts of *Westminster*, and in the Great Sessions of *Wales*; for in these Courts if the Debt in the Declaration be laid to forty Shillings or more, and what the Plaintiff recovers be under forty Shillings, yet he shall have his full Costs, which at the least comes to six or seven Pounds: So in Trespasses of all sorts, before the Statute in that case made, the Courts at *Westminster* did award full Costs, tho' the damages recovered were under forty Shillings, and not above Two-pence; and notwithstanding this Statute which moderates the Costs in these Cases, in the Courts at *Westminster*, and not elsewhere, the Judges there have made such Expositions upon this Act, that it is in a great measure evaded; for in these Actions of Trespasses, if there appears any thing of a Conversion, tho' it be but of a Shilling value, they always award full Costs. Also in an Action of Battery in the Courts at *Westminster*, if the Damages be found to be but one Shilling, yet if the Judge that tries the Cause, does certify, that the Battery was well proved at the Tryal, the Plaintiff shall have his full Costs: But in this Court of the Marches (tho' there is no Act of Parliament that does fetter it in point of Costs) yet if the Action appears to be frivolous, the Court either gives no Costs, or but very little, as 10, 15, or 20 Shillings; and if there be cause, they do dismiss the Suit with costs to the Defendant for his vexation.

IV. That



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IV. That no Defendant shall in the said Court have a *Dedimus* to answer, but he must first pay the Plaintiff, or his Attorney, 6 s. 8 d. which, with the Copy of the Bill, *Dedimus*, Drawing, Answer, and Expence of Commissioners, &c. will amount to forty or fifty Shillings, notwithstanding the Debt or Damages in demand is not really 6 d. To avoid which Expence, and especially when they are sued and molested by beggarly People, the Defendants in such Actions, tho' there be no cause of Action against 'em, do chuse rather to compound with the Plaintiff, than to answer the Action with so great an Expence, which gives great encouragement to Curstors, and other litigious poor People, to bring and multiply vexatious Actions in the said Court, whereby the mean and ignorant sort of People within the same Jurisdiction are very much impoverished.

V. That the Processes for Contempt in the said Court, were generally directed (not to the Sheriffs) but to private persons nominated by the Plaintiff, who are not sworn Officers, as well as to Pursuivants, and Serjeant at Arms, by whom several poor People are usually forced from their own habitations, being an hundred miles distance, to Prison, to the Lodge at Ludlow, for the non-payment of the unreasonable and great Fees demanded by such Officers.

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IV. Herein also the Author of the said Paper is very disingenuous, for that the Defendant hath always a *Dedimus* to answer of course, without paying one Penny to the Plaintiff, or his Attorney; neither is the Plaintiff or Defendant forced to take out any Copies of the Proceedings in Debts or Trespases ~~under one Pound~~, but each Party by his Clerk or Attorney, hath access to the Original Records to peruse them at pleasure without Fee, and to take such Notes thereof *gratis*, as he thinks fit; nay, when the Cause comes to hearing, the Parties, to avoid charge, are admitted in these ~~small~~ Causes, to carry the Records themselves to their Counsel for their Instructions: But if the Cause be a matter of Title of Land in Equity, ~~or Debt, or Trespases above Ten Pound value~~, then the Records are to be copied in the Office; for which Copy the Party is to pay four Pence a Sheet, each Sheet to contain twelve lines, and sixteen words in each line, which is not above half the Charge of copying in *Westminster-Hall* and the Great Sessions.

V. The first Process is in nature of a Summons, and so in effect is the second, called a Contempt, upon either of which no person is arrested or holden to Sureties, as in other Courts; but after, if the Defendant continues obstinate, and will not appear, he is arrested upon a Process directed to the Sheriff, and other special Bailiffs, but never carried to any Prison, if with one Surety he will enter into Bond of 10 l. penalty to appear upon the Return of this third Process; and if upon this third Process he refuses to give Bond to appear, he is never carried out of the County to any Prison, unless it be in some very extraordinary Cause of Contempt, upon breach of Orders; so that if any Prejudice does arise to him in this respect, he may thank himself for the mischief which he might have prevented by two Summons, or a Bond for Appearance; and if there be any Error in these Proceedings, the Court upon Information, orders the Plaintiff to lose the Charge he hath been at, and to pay Costs to the Defendant. If Process were directed to the Sheriffs alone, Justice would be delayed in the Execution, and return of Process, especially in the cases of Gentlemen and wealthy Persons, who in this Country of *Wales* are most commonly related to Sheriffs and their Deputies; nei-

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VI. That where any of his Majesties Courts of Westminster do grant Prohibitions in Causes not properly determinable in the said Court, yet if the Party that procures such Prohibition, after he is put to a considerable Charge, hath no benefit thereof unless he personally serves the other Party therewith (who will abscond) the Judges of the said Court refusing to obey any such Prohibition, or else imprisoning such as serve them there-  
with.

VII. That after Actions brought, or Tryals had in His Majesty's Court of great Sessions, or in His Majesty's Courts at Westminster, the Judges of the said Courts of Marches, upon a Bill filed in that Court by the Defendant at Law, suggested matter of Equity, do usually take upon them to grant Injunctions to stay proceedings in the said Courts of Westminster, and great Sessions; and in case the Plaintiff at Law go on in any such Actions, will severely proceed against, and imprison such Plaintiffs at Law, if to be found within their Jurisdiction.

VIII. That in case of a Writ of Error, of a Judgment in a personal Action in the Grand Sessions in Wales, brought in the said Court of the Marches, if after Errors assigned, the Defendant in the Writ of Error pleads a Release, or other matter of Fact thereto, the said Court cannot proceed to determine such Error for want of a Jury; whereby such Writs of Error will for ever remain undetermined, and the Plaintiff in the great Sessions shall never have any fruits of his Judgment; which is a failure of Justice, which has several times fallen out in the said Court, upon Writs of Error there brought; besides that the said

ther are the Fees of the special Bailiffs extravagant, the Fee for an Arrest being very small, and to be paid by the Plaintiff, and not the Party Arrested.

VI. The Charge of the Sixth Article is not true; for in the first place it is denied, that the Court does countenance any Cause, wherein they have not Jurisdiction: But however, if any Prohibition be at any time granted out of Westminster Hall, and the Plaintiff abscond, the Service upon his Counsel, Attorney, or Solicitor, or any of the Judges, is sufficient, and always obeyed; nor can any instance be made of any Person that was imprisoned for serving a Prohibition, unless he did it upon the Judges sitting in Court, with abusive and insolent words.

VII. As to so much of this Article as relates to the Courts of Westminster Hall, the Author of these pretended Grievances is desired to give us some particular Instances to prove the Allegation; for Persons who have been Practisers in the Marches, and Officers there for many years, cannot remember any such thing ever done; but it is confessed, that after an Action brought and before Verdict had in the great Sessions, some Judges of the said Court of the Marches, in imitation of the High Court of Chancery, have of late granted some Injunctions to stay the proceedings there, when the Defendant in his Answer hath discovered some equitable Matter, for which the Plaintiff was relievable in a Court of Equity. But if this be a fault, it is a fault contrary to the Instructions and Law of the Court, and therefore can be no Reason to destroy the Court, but rather to punish the Judges.

VIII. There is no failure of Justice in the Case therein alledged; for the Statute of 34 & 35 H. 8. which impowers this Court of the Marches to examine erroneous Judgments given in Personal Actions in the great Sessions of Wales, does implicitly and necessarily empower them to Try any Matter of Fact that may be pleaded in such a Case, tho' it be not mentioned in expresse words; for it is a Rule in Law, *Quando aliquid conceditur conceditur id sine quo res ipsa esse non potest*: Therefore in 14 H. 8. f. 1. It is resolved, That if one makes a Lease, excepting a Close or Wood, the Law giveth him a way to it, tho' there be no expresse words concerning the way. And therefore in this Court of the Marches there are Presidents, that when any such Matter of Fact has been pleaded upon a Writ of Error, as is mentioned in this Article, which happens but very seldom, the



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*Court of Marches, which is no Court of Record, take upon them to correct and determine Errors in the great Sessions, which is a Court of Record.*

IX. *If a Sheriff, Bayliff, or other Officer execute any Process from that Court for the King or Subject, and the Defendant bringeth an Action of false Imprisonment, such Officer cannot plead Not Guilty, and giveth Process in Evidence, but must be enforced to plead the Statute at large, together with their Instructions, which never yet could be drawn by the best Clerk; besides that it will cost upwards of ten pounds; whereas perhaps, the damage in the Original Action did not exceed 12 d.*

X. *They usually alter, and frequently quiet Possession upon the filing of a Bill there, without any Process served upon the Defendant; and often-times upon the Oaths of the Prosecutor; whereby men often lose their right, at least, with much charge and difficulty regain the same.*

## Answer.

the same has been Tried at the great Sessions in some County of *Wales*, upon a feigned Issue directed by this Court of the Marches; and besides, if there be a failure in this Court of the Marches, there is the like failure in the Court of the Exchequer-Chamber, erected by the Stat. of 27 *Eliz.* for redressing Errors in the Kings-Bench; for if a Matter of Fact be pleaded there, the Statute by express words does not provide how this Fact shall be Tried, but in those cases such Matters of Fact have been Tried by *Nisi prius*: So that this Court of the Marches is no otherwise defective in this point than the Court of Exchequer-Chamber, and if either of them were defective in these points, as they are not, that is a defect in the Law, and sufficient cause for a Parliament to redress it by a new Act, but no cause to destroy the Courts. And that this Court is a Court of Record in this respect, is very evident; for the proceedings herein upon Writs of Error, are in Latin, as in other Courts of Record, and the Court takes its Jurisdiction in this particular by an Act of Parliament, and awards Execution if the Judgment be affirmed.

IX. Pleas to Actions of False Imprisonments brought against Officers for executing the Process of this Court, have been drawn by Council, and maintain'd, which are yet to be seen upon Record, and may be used as a President in the like case at any time for a very inconsiderable Charge; and if no such Plea had been yet drawn, yet certainly it is not impossible or difficult to be done by any Lawyer, except the Author of this Paper.

X. There is no Injunction granted out of this Court to alter or quiet any Possession before a Bill Fil'd in the Court, setting forth the Complainant's Title, and an Affidavit made, that he hath been in quiet and peaceable Possession, by Vertue of that Title, for three years before the exhibiting of the said Bill, and then the Injunction is only to quiet the Possession till Eviction by a due course of Law, which the Party enjoyned may commence and prosecute with what speed he please, and so bring the matter to a Legal determination. And if he recovers by Law, the Injunction is forthwith dissolved. But if this Affidavit be false, the Party concerned hath liberty to take Issue thereupon, and to prove it so by Witnesses, which if he does, the In-

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XI. *Many lewd and dissolute Persons live by serving the Proceſs of the Court; and making Affidavit thereof; and though they can neither write nor read, yet will swear the serving of forty or fifty Proceſſes at one time; wherein they cannot but oftentimes forſwear themſelves, and much prejudice the Defendant.*

XII. *That they uſually grant Injunctions to ſtay proceedings in inferior Courts, which hold Plea only of Treſpaſſes, and Debts under forty ſhillings; whereas it was never intended, the ſaid Court of the Council of the Marches ſhould hold Plea of any Debt under forty ſhillings.*

junction is immediately diſſolved, and good Coſts to him awarded for the vexation. And moreover, the King's Attorney, attending this Court, is ordered to Proſecute an Indictment of Perjury againſt the Offender for this falſe Oath. This proceeding is warranted by a particular Inſtruction from the King, grounded upon the ſaid Statute of 34 and 35 Hen. 8. cap. 26. for the preventing of Blood-ſhed and Murder, which before often happened on ſuch Occaſions in Wales; and if that Power ſhould be taken away, the old turbulent Humour would ſoon revive, to the great diſturbance of the tranquillity of that part of the Kingdom, and the ſtrongest Man would have poſſeſſion of the beſt Eſtate, till he could be evicted by a great Expence, which a poor Man out of Poſſeſſion could never undergo.

XI. This may be objected againſt the Court of Chancery and Exchequer-Chamber, and divers other Courts, where illiterate People are moſtly employed to ſuch purpoſes; but particular care is taken in this Court by the Judges, ſtrictly to examine them, and to caution them well of what they ſwear, and to puniſh them if they ſwear falſe.

XII. This Court never grants Injunctions or Certioraries to remove Actions out of Inferiour Courts, but upon a Bill filed, and Oath made of Partiality in the Inferiour Court, either becauſe the Plaintiff below is an Inhabitant in the Inferiour Jurisdiction, and the other a Foreigner, Or if the Plaintiff is an Alderman of the Corporation, or Related to the Steward or Judge there: and when the Plaintiff below appears, he by Answer ſets forth the Nature of his Plaint below, and the Plaintiff in the Court of the Marches by Replication ſets forth what he hath to Plead in Bar, and if the matter of his Plea be not ſufficient, the Plaintiff below recovers his Debt in this Court, with his Coſts; and this removal muſt be before the Verdict, upon the firſt Commencement of the Suit below, and the Party that removes the Action, muſt firſt give Security in the Court of the Marches, to anſwer the Duty and Coſts, in caſe the Suit goes againſt him. All which is warranted by the Inſtructions of the Court. And beſides all this, the Author of that Paper is challenged to ſhew any Law, whereby the Court of the Marches is intended to be excluded from holding Plea of Debts under forty ſhillings.

XIII. *That*

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XIII. That the Inhabitants of Wales are subject not only to the Court and the Great Sessions, but also to the Courts of Westminster, and oft-times served to appear both at London and Ludlow in one and the same day; and that the vexatious Suits and Proceedings in the said Court of Marches, and the great Oppressions of the Practisers, Clerks, and Officers of the said Court, have been of late by several Grand Juries of several Counties in Wales, presented as a great Grievance, and fit to be redressed.

XIV. That the the said Court is an Expence to his Majesty of many thousand Pounds per annum; and as the Officers, Clerks, and Ministers of the said Court do manage their business there, do make use of the Power and Authority thereof, to oppress his Majesties Subjects; and there being now no Court of Star-Chamber there, the said Court is now useless, there being Courts of Law and Equity held twice a year of the Grand Sessions, where Causes may be determined at less charge and trouble to the Parties, within the proper County where they live.

XIII. This is no Objection; for the Defendants in this Court may appear by Attorney: It is true, *Wales* is liable to several Jurisdictions, and suffers most by those of *Westminster*, so chargeable and remote from thence. If the High Court of Chancery and Exchequer would not meddle with any Cause of Equity arising in *Wales*, if there were fewer *Quo minus*'s—sent out of the Exchequer into *Wales*, and none but against such as were really Debtors to the King, as by Law it ought to be, if fewer Outlawries were in the Kings-Bench and Common-Pleas, all reasonable men must allow it would be better for *Wales*. And the Author of the pretended Grievances, would be a better Friend to his Country, to promote a Law to limit the Jurisdiction of these Superiour Courts, as to *Welsh* Causes, than to endeavour to pull down an ancient Court that contributes so much to the good of his Country. There is no Court without ill Practitioners; but if that be an Argument to take away the use of all Courts, where will be Justice found? And that this Court must be taken down, and not others in far greater Faults, is strange Partiality.

XIV. The Expence of this Court to his Majesty, is not above 2700 *l. per annum*, which is inconsiderable in respect of the Advantage it hath in all Ages brought to the Crown; for hereby the Peace and Tranquillity of the Nation is better maintained than otherwise it would be; and it is for the Grandeur of the Crown to have a great Power to preside in those parts, especially when God shall please to bless this Nation with a Prince of *Wales*. In the late times, when there was no Court holden in the Marches, many Outrages were committed in the Intervals of War; and it was then the restless humour of that People to find out the way to *Westminster*, whereby many good Families were ruined: The Itch of going to Law, will bring more Grist to *Westminster-Hall*, and more Fees to some mens Pockets (which peradventure is the *Diana*, and the thing some men contend for) but in a short time will impoverish *Wales* beyond imagination. The Author of this Paper in modesty might have spared saying, that this Court hath used any Oppression towards the King's Subjects, till he had proved some particular Instances by some better Testimony than his own bare Affirmation: And as to what he says, That the Charge of the Great Sessions is less than of this Court, this is like the rest; for in the Great Sessions it is usual for matters in equity

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Equity to depend seven, eight, nine, and ten years ; but in this Court that Author is challenged to shew that ever a Cause depended two years, where there has been any careful Prosecution ; and by consequence, which is most chargeable, is left to the Judgment of others.

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*The*



## The Particular Conveniencies of the COURT of the MARCHES.

1. **T**HIS Court is the best Court for mean Men who are to Contest their Right with Men of Fortune and Power; for by the Influence that such great Men have with Jurors, Sheriffs, Bayliffs and other Officers, Men of small Estates have frequently miscarried in their Suits, how good soever their Titles were: Which Mischief is easily prevented by a worthy President, with a Well-chosen Council.

2. Whereas the Great Sessions are but twice a year, and Causes there in Equity often hold Five, Six, Seven, and Ten years before they come to a Determination, and sometimes Thirty Pound or more is given for Costs of Suits; This Court of the *Marches* ordinarily Determines a Cause in three Terms, and seldom allows for Costs above Fifty Shillings or Three Pound, except extraordinary delays have been us'd by the Defendant. In this Court there are holden Four Terms and two Appearances in one year, each of which, as to the dispatch of Business, is at least equal to a Great Sessions, so that as much Business may be done in one year in this Court of the *Marches*, as in three in the Great Sessions, which are holden but six times in three years in any one County.

3. If this Court be taken away, peradventure no *Welshman* can be releiv'd in his own Country in any Equitable Cause; for it is doubtful whether any other Lawful Court of Equity be in *Wales*, especially in *South-Wales*: For the Courts of Equity in *South-Wales* have in *Westminster-Hall* often been question'd, and in the noted Case of *Pugh and Owen* it was adjudged Illegal, and a Prohibition Granted: The same Reason holds for the two Countys of *Montgomery* and *Denby* in *North-Wales*; because these are new Counties made out of Lordships *Marchers* by the Stat. 26 H. 8. c. 26. It is true the Judges of those Circuits after the Stat. 34 H. 8. did take upon them by Petitions, to give relief in Equity in some particular Matters, but not formally by Bill till the time of J. 1. And it is well known a Court of Equity cannot be erected by the Kings Grant, but must be by Prescription, or by Act of Parliament: but if such a Court were legal, yet, as appears above, the Court of the *Marches* is more useful.

4. Writs from *Westminster* are very hardly Executed in *Wales*, especially in the Cases of Foreigners; for if they happen to be concern'd in any Estates in *Wales*, or have a right to any Debt there, they will find such Partiality in Sheriffs, that they will be without Remedy if this Court be taken away; and this would deter such from having any dealings there, and the Gentry of that Country ought to consider, whether if this Court were down, it would not be extremely difficult for them to borrow Money in *England*.

5. In this Court a poor man compels his right against Great men at a small charge: for if he have many Debts owing from divers persons, he may sue them all at one charge, and set forth his causes of action against them severally in one Bill, be they ten or more Defendants, and have Judgment and Execution severally against them. Whereas at *Westminster*, or the Great Sessions, he must have several Actions, and consequently be at the charge of so many Suits, each of which Suits will be far more expensive than this Suit in the *Marches* for all the Debts together.

6. If this Court be taken away, and Justice to be had only in the respective Counties of *Wales* at the Great Sessions, which are limited to each particular County, then the recovery of many Debts will be avoided by the Defendant's stepping out of one County into another, to prevent any execution, which is a frequent practice, especially with them who live in the Confines of Counties.

7. By the Statute of *Rutland* Judgments, or Actions of Debt, in the *Great Sessions*, are given by default, without any notice or Summons, to the Defendants, upon a presumption that all persons are to be present at the said *Sessions*, upon the general Summons of the County, Fifteen days before. Many taking advantage of this, commence Actions on purpose against persons without any cause, and especially, against such as have Estates in *Wales*, and yet live in other Counties, whereby it is impossible they should have notice to defend themselves: So that people in their Persons and Estates are surpriz'd and seiz'd, which is the first notice they receive of any Suit against them. At the Court of the *Marches* this is speedily reliev'd at a very little charge; but in the Courts of *Westminster* or elsewhere, the Remedy is tedious and chargeable; which would cause many such pretended Debts to be paid or compounded, rather than men would be at the expence of redressing themselves by such troublesom means. And this, perhaps, may make some Injunctions to the *Great Sessions* excusable.

8. The quieting of a three Years peaceable Possession, hath been found greatly beneficial for *Wales*, where many strifes happen very often on such occasions, with the death and wounding of men, which no Court besides this of the *Marches* can so effectually, and readily prevent.

There are other advantages which attend the Jurisdiction of this Court, too many to be here enumerated; but to any unprejudic'd persons, this may appear sufficient to shew, that the Clamours against this Ancient Court have been groundless: and that if it be taken away, all people that have any Concerns in *Wales* (except such as like not to pay their Debts and do right to their Neighbours) will find the want of it when it is too late. Yet had the Clamours any thing of Justice in them, the total abolishing a Court of so long and legal an Establishment, and so highly beneficial to the Subjects of *England* and *Wales*, might prove an Innovation of dangerous consequence, at a time when tis not fit to try such Experiments; nor would it be for the Interest of the Publick, to have thousands now petitioning for Justice, as they did upon the return of C. 2. after the discountinance of this Court by the preceding Troubles.

